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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,472	07/03/2001	Laszlo Elteto	G&C 30074.30-US-II	3432
26694	7590	06/05/2006	EXAMINER	
VENABLE LLP			JACKSON, JENISE E	
P.O. BOX 34385			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20045-9998			2131	

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/899,472	<b>Applicant(s)</b> ELTETO ET AL.	
	<b>Examiner</b> Jenise E. Jackson	<b>Art Unit</b> 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10 and 12-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 12-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Office Action***

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Regarding claim 1, and 8, the term "substantially opaque" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention. In the specification on page 27, the Applicant discloses the emitter has a shield that is substantially opaque to the energy in the wavelengths of the signal transmitted from the emitter. The Applicant also, discloses on page 27, the shield need not be completely opaque to such energy, just sufficiently opaque to prevent emissions that are of a magnitude sufficient to permit their reception by sensors which are not physically proximate the emitter. Thus, the Examiner cannot ascertain the degree of the claims in regards to the limitation "substantially opaque". Therefore, because independent claims 1 and 8 are rejected under 112 2<sup>nd</sup>, than by claims 2-7, 10, 12-17 are also rejected under 112 2<sup>nd</sup>, because of the relative term, "substantially".

3. Claims 1-8, 10, 12-17 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

4. The reasons why these claims contain allowable subject matter is for the following reasons below:

5. Rallis discloses a multilevel infrared (IR) type security system that prevents unauthorized use of a computer. The key device is used to enable proper power up of the computer. The key device can be inserted into a port, such as USB, or lined up to the IR port. The key device

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receives power and command messages from the notebook computer and returns response messages. When prompted by the user-validation program, the user aligns the IR key device with the IR port and depresses the switch. The IR key device transmits a message that includes the key device serial number and the encryption key. As an alternate to the serial number and encryption key, the IR key device can include a fingerprint reader that senses data on the key device and transmits the information. In Rallis there is no entry of a personal identifier from a user the data is stored in the key and transmitted. The user does not enter information. Second, Rallis does not disclose or suggest anything about how the signal is transmitted, and also does not disclose physical features of the key device, such as a physical shield. Rallis does not mention anything about the signal itself.

3. Hannah discloses a USB host controller controls the operation of the USB by transmitting commands to the attached USB hubs. The commands issued by the host controller give permission to specific peripheral devices allowing them to transmit commands and/or data on the USB. There is no disclosure or suggestion of “entering personal identifier from a user than is not entered from a keyboard, and the there is no disclosure of a physical shield”. Hannah discloses operating as either a master device or slave device on a communication link such as a USB.

4. Non-patent literature, Kensington Pocket Keypad, teaches a data entry device with two USB ports. That allows USB devices to connect to it. Kensington is silent on, entering personal identifier from a user than is not entered from a keyboard, and the there is no disclosure of a physical shield”.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E. Jackson whose telephone number is (571) 272-3791. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



May 13, 2006



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